IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 16TH NOVEMBER, 2006 / 25TH KARTHIKA, 1928

RP.No. 434 of 2006()

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THE ORDER IN CRP.999/2004 Dated 24/02/2006
ORDER IN I.A.NO.2340/2003 IN AS.422/2003 of ADDL.DISTRICT COURT, THRISSUR

REVIEW PETITIONER/REVISION PETITIONER.

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N.D.JOY, NEELAMKAVIL BHAVAN,
IST CROSS, CHERUPARAMBATH ROAD, KOCHI 20.

BY ADV. SMT.RANI JOY

RESPONDENTS: APPELLANT.

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JINNY JOSEPH, W/O.JOSEPH KUNJU,
26/581, THOTTAPPADY JUNCTION, TRICHUR 4.

BY ADVS.M/S.P.GOPAKUMARAN NAIR AND C.S.DIAS.

THIS REVIEW PETITION HAVING COME UP FOR HEARING ON 16/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.T. SANKARAN, J.**

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**R.P.NO. 434 OF 2006 IN**

**C.R.P.NO. 999 OF 2004**

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**Dated this the 16th day of November,2006**

**O R D E R**

By allowing M.J.C.No.535 of 2006, the result would be that R.P.No.434 of 2006 gets restored. R.P.No.434 of 2006 is to review the order dated 24.2.2006 in C.R.P.No.999 of 2004. In the Review Petition it is stated thus:

> "The C.R.P was posted for hearing and clerk detailed for watching the list failed to watch and report the listing of the case in the new premises of the court and it is not on account of any willful negligence and latches on the part of the petitioner and the counsel."

In the grounds in the Review Petition it is stated that fraud was played upon Court and that this Court failed to appreciate that there was no reasonable ground for condoning the delay in filing the appeal by the respondent before the court below. Though the facts stated and the grounds taken in the Review Petition are

not sufficient for exercising the power of review under Order XLVII Rule 1 of the Code of Civil Procedure, only to satisfy the petitioner that he was heard in the Revision, I am inclined to allow the Review Petition.

The Review Petition is allowed.

**(K.T.SANKARAN)**
**Judge**

ahz/

**K.T.SANKARAN, J.**

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**CRL.M.C.NO. OF**

**O R D E R**

September, 2006

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